

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

WRIT PETITION No.650/1992

BETWEEN:

A.Doraiswamy, aged 46 years,
S/o late V.Arunachalam,
Literate Assistant, Office
of the Assistant Executive
Engineer, Karnataka Urban
Water Supply and Drainage Board,
Bethamangala Sub-Division,
Kolar District.

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..PETITIONER

(By Sri H.S.Joia, Advocate)

AND:

1. The Karnataka Urban Water
Supply and Drainage Board,
Public Utility Building,
M.G.Road, Bangalore-1,
by its Chairman.
 2. The Managing Director,
Karnataka Urban Water
Supply and Drainage Board,
Public Utility Building,
M.G.Road, Bangalore-1.
 3. The Executive Engineer,
Karnataka Urban Water
Supply and
Drainage Board,
D.E.Division,
Bangalore-1.
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4. The Assistant Executive Engineer, Karnataka Urban Water Supply and Drainage Board, Sub-Division, Bethamangala.

(By Sri N.S.Srinivasan for R-1 to R-4)

This writ petition is filed under Articles 226 of the Constitution of India praying to direct the respondents to consider the services rendered by the petitioner in the respondent Board from 1.1.72 to 31.12.78 for the purpose of granting increments, seniority, promotion and other benefits and to sanction the increments that fell due to the petitioner from the said date and release the monetary benefits forthwith.

This writ Petition is coming on for hearing this day, the Court made the following:-

ORDER

The petitioner who is a Literate Assistant before this Court, after long lapse of 9 years from the date of regularisation of his service with effect from 1-4-1983 seeking the following reliefs.

2. The grievance of the petitioner is that the respondents have not regularised his services taking into consideration of his past services rendered by him in Urban Water Supply and Drainage Board. The grievance of the petitioner is that

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on 1-4-1970 he was appointed as Literate Cooly on daily wage basis in the respondent-Board with effect from 1-4-1970. By an order dated 20th March 1972, vide Annexure-B he was brought to the monthly scale of Rs.65-95 and changed his designation as Literate Assistant-Mazdoor. He has been continuously serving in the said post upto January 1973. There was one day break in service for every completed 30 days of service rendered by the petitioner. However, he had continued in the service, the said unfair break in service was continued upto 1973. Thereafter, there was no break in his service.

3. The respondents have filed the counter today stating that the first respondent-Board was formed on 14-8-1975, the petitioner was transferred to the Board from Public Health Engineering Department along with his works. It is also further stated that from January 1977 the petitioner's minimum salary was lifted and his pay was fixed at Rs.250 in the pay scale of 250-400 in the revised pay scale in 1977 and further he was allowed annual increments with effect from 1978 as per the orders of Chief

Chief Accounts Officer dated 13-7-1979.

4. I have perused the petition averments and the documents produced by the petitioner and the counter statement filed by the respondents. No tenable explanation is given by the petitioner in not approaching this Court within reasonable time either from the date of regularisation of service or thereafterwards. However, the petitioner has not shown as to how he is entitled for the discretionary relief at the hands of this Court. In view of long lapse of time for the period for which he is claiming increments and from the date of regularisation order.

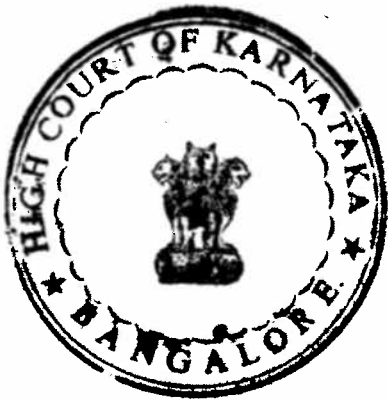
5. However, it is observed that if the petitioner is really entitled for the increments for a period from 1975-1978, the Board may consider his representation to be filed within four weeks from today on par with the similarly placed employees. If he is entitled, that relief may be given by the Board after consideration of the relevant facts without paying arrears. If the Board comes to the conclusion that the

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petitioner is entitled for the increments for the period from 1975-78 that benefit may be considered only for the purpose of fixation of pay.

With the above said observations, this writ petition is dismissed, but no costs.



Sd/-
JUDGE

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